

Merits Panel
BOX INTERFERENCE
WASHINGTON DC 20231
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Paper No. 9+ 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

W. FRENCH ANDERSON,
R. MICHAEL BLAESE, and STEVEN A. ROSENBERG
(5,399,346),
Junior Party,

v.

JEFFREY R. MORGAN
and RICHARD C. MULLIGAN
(08/153,275),
Senior Party.

MAILED

JUN 28 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Interference No. 104,712

Before SCHAFER, TORCZON, and GRIMES, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT
(PURSUANT TO 37 CFR § 1.640)

In Paper No. 88 at 56, the parties were placed under an order to show cause why final judgment should not be entered against each of them, pursuant to 37 C.F.R. § 1.640(d)(1). No timely response has been received from either party. Counsel indicated, when called by a Board paralegal, that they had not filed responses.

ORDER

In view of the parties' failure to respond to an order to show cause, it is:

ORDERED that judgment as to Count 1 is awarded against both parties;

FURTHER ORDERED that Anderson is not entitled to a patent containing claims 1-14 of Anderson's 5,399,346 patent, which correspond to Count 1;

FURTHER ORDERED that Morgan is not entitled to a patent containing claims 30-34, 36, and 43-49 of Morgan's 08/153,275 application, which correspond to Count 1;

FURTHER ORDERED that the preliminary statements be returned unopened; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Anderson's 5,399,346 patent and Morgan's 08/153,275 application.


RICHARD E. SCHAFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge


ERIC GRIMES
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

INTERFERENCE
TRIAL SECTION

Interference No. 104,712
Anderson v. Morgan

Paper No. 91
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cc (first-class mail):

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INTERFERENCE DIGEST

Interference No. 104,712

Paper No. 25

Name: W. French Anderson et al.

Serial No.: 08/220,175

Patent No. 5,399,346

Title: Gene therapy

Filed: 03/30/94; granted 03/21/95

Interference with Morgan et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 6.28.82

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.